

Animal Resources Authority Amendment and Repeal Bill 2021

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Western Australia

LEGISLATIVE ASSEMBLY

Animal Resources Authority Amendment and Repeal Bill 2021

A Bill for

An Act —

- **to amend the *Animal Resources Authority Act 1981* to provide for the winding up of the Animal Resources Authority; and**
- **to repeal the *Animal Resources Authority Act 1981*; and**
- **to make consequential amendments to other Acts.**

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary matters

1. Short title

This is the *Animal Resources Authority Amendment and Repeal Act 2021*.

2. Commencement

(1) This Act comes into operation as follows —

(a) Parts 1 and 2 (other than sections 6 and 12) — on the day on which this Act receives the Royal Assent;

(b) sections 6 and 12 — on 30 June 2023;

(c) the rest of the Act — on a day fixed by proclamation.

(2) A proclamation cannot be made under subsection (1)(c) unless the Minister is satisfied that there is no reason for the *Animal Resources Authority Act 1981* to remain in operation.

1 **Part 2 — *Animal Resources Authority Act 1981***
2 **amended**

3 **3. Act amended**

4 This Part amends the *Animal Resources Authority Act 1981*.

5 **4. Long title replaced**

6 Delete the long title and insert:

7
8 **An Act to provide for the winding up of the Animal**
9 **Resources Authority and related matters.**
10

11 **5. Section 3 amended**

12 (1) In section 3 delete the definitions of:

13 *chairman* and *deputy chairman*

14 *committee*

15 *member* and *temporary member*

16 (2) In section 3 insert in alphabetical order:

17
18 *transition day* means the day on which the *Animal*
19 *Resources Authority Amendment and Repeal Act 2021*
20 section 12 comes into operation.
21

22 (3) In section 3 in the definition of *subsection* delete “occurs.” and
23 insert:

24
25 occurs;
26

- 1 (b) to wind up its affairs (including realising its
2 assets and discharging its liabilities) as soon as
3 practicable but, in any case, not later than
4 transition day.
- 5 (2) The Authority may do all things necessary or
6 convenient to be done for or in connection with the
7 purposes specified in subsection (1),
8 including executing a contract, deed or other
9 instrument necessary for its winding up.
- 10 (3) This section overrides sections 9 and 10 and those
11 sections must be read as if the Authority's functions
12 were conferred only to give effect to the purposes
13 specified in subsection (1).
14

15 **9. Section 26 amended**

- 16 (1) In section 26(1)(a) delete “subsections (2) and (3); or” and
17 insert:
18
19 subsection (2); or
20
- 21 (2) In section 26(1)(b) delete “member or members or”.
- 22 (3) Delete section 26(3).

23 **10. Section 27 deleted**

- 24 Delete section 27.

1 **11. Part 6 inserted**

2 After Part V insert:

3

4 **Part 6 — Transitional provisions for *Animal***
5 ***Resources Authority Amendment and Repeal***
6 ***Act 2021***

7 **Division 1 — Members of Authority**

8 **27. Members go out of office**

9 The members of the Authority go out of office on the
10 day on which the *Animal Resources Authority*
11 *Amendment and Repeal Act 2021* section 7 comes into
12 operation.

13

14 **12. Part 6 Division 2 inserted**

15 At the end of Part 6 insert:

16

17 **Division 2 — Abolition of authority and related**
18 **provisions**

19 **28. Terms used**

20 In this Division —

21 *Account* means the Animal Resources Authority
22 Account referred to in section 18;

23 *assets* —

- 24 (a) means legal or equitable estates or interests
25 (whether present or future, whether vested or
26 contingent and whether personal or assignable)
27 in real or personal property of any description;
28 and

1 (b) includes money, securities, choses in action and
2 documents;

3 **former Authority** means the Authority as in existence
4 immediately before transition day;

5 **liabilities** means liabilities, duties or obligations
6 whether actual, contingent or prospective, liquidated or
7 unliquidated, or whether owed alone or jointly or
8 jointly and severally with any other person;

9 **Public Sector** has the meaning given in the *Public*
10 *Sector Management Act 1994* section 3(1);

11 **relevant act** means an act, matter or thing done or
12 omitted to be done before transition day by, to or in
13 respect of the former Authority;

14 **rights** means rights, powers, privileges or immunities
15 whether actual, contingent or prospective;

16 **staff member** means a person appointed by the
17 Authority under section 12(1);

18 **State tax** includes —

19 (a) duty chargeable under the *Duties Act 2008*; and

20 (b) any other tax, duty, fee, levy or charge under a
21 law of the State;

22 **subsisting**, in relation to an agreement, instrument or
23 document, means subsisting immediately before
24 transition day.

25 **29. Former Authority abolished**

26 On transition day, the former Authority is abolished.

27 **30. Staff members**

28 (1) Before transition day, the Minister must, after
29 consulting the Public Sector Commissioner —

30 (a) for each staff member, nominate a person or
31 body in the Public Sector (the **new employer**)

s. 12

- 1 who will be the employing authority under the
2 *Public Sector Management Act 1994* for the
3 staff member on and after transition day; and
4 (b) ensure that employment by or under the new
5 employer is arranged for each staff member.
- 6 (2) A staff member is, on and after transition day, taken to
7 be employed as an employee of the new employer.
- 8 (3) Except as agreed by a staff member, a change of
9 employment arranged under subsection (1)(a) does
10 not —
- 11 (a) affect the staff member's remuneration or other
12 terms and conditions of employment; or
13 (b) prejudice the staff member's existing or
14 accruing rights; or
15 (c) affect any rights under a superannuation
16 scheme; or
17 (d) interrupt the staff member's continuity of
18 service.

19 **31. Transfer of assets, rights, liabilities, proceedings**
20 **and remedies**

- 21 (1) On transition day —
- 22 (a) the assets and rights of the former Authority
23 immediately before that day vest in or become,
24 by force of this section, the property of the
25 State; and
26 (b) the liabilities of the former Authority
27 immediately before that day become, by force
28 of this section, the liabilities of the State.
- 29 (2) On and after transition day, any proceeding or remedy
30 that, immediately before that day, might have been
31 brought or continued by, or available against or to, the

1 former Authority may be brought or continued by, and
2 is available against or to, the State.

3 **32. Exemption from State tax**

- 4 (1) State tax is not payable in relation to —
- 5 (a) anything that occurs by the operation of this
6 Part; or
- 7 (b) anything done (including a transaction entered
8 into or an instrument or document of any kind
9 made, executed, lodged or given) under this
10 Part, or to give effect to this Part, or for a
11 purpose connected with or arising out of giving
12 effect to this Part.
- 13 (2) The Minister may certify in writing that —
- 14 (a) a specified thing occurred by operation of this
15 Part; or
- 16 (b) a specified thing was done under this Part, or to
17 give effect to this Part, or for a purpose
18 connected with or arising out of giving effect to
19 this Part.
- 20 (3) For all purposes and in all proceedings, a certificate
21 under subsection (2) is sufficient evidence of the
22 matters it certifies, unless the contrary is shown.

23 **33. Closure of Account**

- 24 (1) On transition day any moneys standing to the credit of
25 the Account must be credited to the Consolidated
26 Account and the Account must then be closed.
- 27 (2) The Consolidated Account must be credited with any
28 money payable to the Account before transition day
29 that is paid on or after that day.

1 (2) This section does not affect the operation of any other
2 provision of this Part.

3 **37. Effect on other instruments, rights and obligations**

4 The operation of this Part must not be regarded —

- 5 (a) as a breach of contract or confidence or
6 otherwise a civil wrong; or
- 7 (b) as a breach of any contractual provision
8 prohibiting, restricting or regulating the
9 assignment or transfer of assets, rights or
10 liabilities or the disclosure of information; or
- 11 (c) as giving rise to any remedy by a party to an
12 instrument, or as causing or permitting the
13 termination of any instrument, because of a
14 change in the beneficial or legal ownership of
15 any assets, rights or liabilities; or
- 16 (d) as causing any contract or instrument to be void
17 or otherwise unenforceable; or
- 18 (e) as releasing or allowing the release of any
19 surety.
- 20

21 **13. Schedule deleted**

22 Delete the Schedule.

1 **Part 3 — Repeal and amendments to other Acts**

2 **Division 1 — Repeal**

3 **14. *Animal Resources Authority Act 1981* repealed**

4 The *Animal Resources Authority Act 1981* is repealed.

5 **Division 2 — Other Acts amended**

6 **15. *Constitution Acts Amendment Act 1899* amended**

7 (1) This section amends the *Constitution Acts Amendment Act 1899*.

8 (2) In Schedule V Part 3 delete the item for the Animal Resources
9 Authority.

10 **16. *Financial Management Act 2006* amended**

11 (1) This section amends the *Financial Management Act 2006*.

12 (2) In Schedule 1 delete “Animal Resources Authority”.

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